

CS FOR SENATE BILL NO. 187(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/15/22

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal law and procedure; relating to sexual assault; relating to
2 consent; relating to the crime of coercion; relating to sending an explicit image of a
3 minor; relating to the crime of harassment; relating to the duty to register as a sex
4 offender; relating to the definition of 'sex offense'; relating to lifetime revocation of a
5 teaching certificate for certain offenses; relating to the definition of 'domestic violence';
6 relating to arrest authority for probation officers and pretrial services officers; relating
7 to multidisciplinary child protection teams; and providing for an effective date."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 * **Section 1.** AS 11.41.410(a) is amended to read:

10 (a) An offender commits the crime of sexual assault in the first degree if

11 (1) the offender engages in sexual penetration with another person
12 without consent of that person **by**

13 **(A) the use of force or the express or implied threat of force**

1 **against any person or property; or**

2 **(B) causing the person to become incapacitated;**

3 (2) the offender attempts to engage in sexual penetration with another
4 person without consent of that person and causes serious physical injury to that
5 person;

6 (3) the offender engages in sexual penetration with another person

7 (A) who the offender knows is mentally incapable; and

8 (B) who is in the offender's care

9 (i) by authority of law; or

10 (ii) in a facility or program that is required by law to be
11 licensed by the state; or

12 (4) the offender engages in sexual penetration with a person who the
13 offender knows is unaware that a sexual act is being committed and

14 (A) the offender is a health care worker; and

15 (B) the offense takes place during the course of professional
16 treatment of the victim.

17 * **Sec. 2.** AS 11.41.420(a) is amended to read:

18 (a) An offender commits the crime of sexual assault in the second degree if

19 (1) the offender engages in sexual contact with another person without
20 consent of that person **by**

21 **(A) the use of force or the express or implied threat of force**

22 **against any person or property; or**

23 **(B) causing the person to become incapacitated;**

24 (2) the offender engages in sexual contact with a person

25 (A) who the offender knows is mentally incapable; and

26 (B) who is in the offender's care

27 (i) by authority of law; or

28 (ii) in a facility or program that is required by law to be
29 licensed by the state;

30 (3) the offender engages in sexual penetration with a person who is

31 (A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed; [OR]

(4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim; or

(5) under circumstances not proscribed under AS 11.41.410, the offender engages in sexual penetration with another person without consent of that person.

* **Sec. 3.** AS 11.41.425(a) is amended to read:

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;

(3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person;

(4) while employed in the state by a law enforcement agency as a peace officer, or while acting as a peace officer in the state, engages in sexual penetration with a person with reckless disregard that the person is in the custody or the apparent custody of the offender, or is committed to the custody of a law enforcement agency;

(5) while employed by the state or a municipality of the state as a probation officer or parole officer, or while acting as a probation officer or parole officer in the state, engages in sexual penetration with a person with reckless disregard that the person is on probation or parole; [OR]

(6) while employed as a juvenile probation officer or as a juvenile facility staff, engages in sexual penetration with a person 18 or 19 years of age with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Health and Social Services; or

(7) under circumstances not proscribed under AS 11.41.420, the offender engages in sexual contact with another person without consent of that person; in this paragraph, "sexual contact" does not include an offender knowingly causing a person to come into contact with semen.

* Sec. 4. AS 11.41.445 is amended by adding a new subsection to read:

(c) In a prosecution under AS 11.41.410 - 11.41.427, where consent is at issue,

(1) an expression of lack of consent through words or conduct means there is no consent; an expression of lack of consent under this paragraph does not require verbal or physical resistance and may include inaction;

(2) a current or previous dating, social, or sexual relationship between the defendant and the person involved with the defendant in the conduct at issue may not by itself constitute consent;

(3) a person cannot consent if the person is fraudulently made to believe that the sexual act serves a professional purpose; in this paragraph, "professional purpose" means an act the defendant has represented as a necessary part or component of a provided service, part of the routine course of a procedure, or a component of the defendant's profession that would occur if a person sought services from another practitioner in the same field as the defendant.

* Sec. 5. AS 11.41.470(10) is repealed and reenacted to read:

(10) "without consent" means that, under the totality of the circumstances surrounding the offense, there was not a freely given, reversible agreement specific to the conduct at issue;

1 * **Sec. 6.** AS 11.41.470 is amended by adding a new paragraph to read:

2 (11) "freely given" means a positive expression of agreement, by word
3 or action, given under the person's free will.

4 * **Sec. 7.** AS 11.41.530(a) is amended to read:

5 (a) A person commits the crime of coercion if, under circumstances not
6 proscribed under AS 11.41.410 - 11.41.427, the person compels another to engage in
7 conduct from which there is a legal right to abstain or abstain from conduct in which
8 there is a legal right to engage, by means of instilling in the person who is compelled a
9 fear that, if the demand is not complied with, the person who makes the demand or
10 another may

11 (1) inflict physical injury on anyone, except under circumstances
12 constituting robbery in any degree, or commit any other crime;

13 (2) accuse anyone of a crime;

14 (3) expose confidential information or a secret, whether true or false,
15 tending to subject a person to hatred, contempt, or ridicule or to impair the person's
16 credit or business repute;

17 (4) take or withhold action as a public servant or cause a public servant
18 to take or withhold action;

19 (5) bring about or continue a strike, boycott, or other collective
20 unofficial action, if the property is not demanded or received for the benefit of the
21 group in whose interest the person making the threat or suggestion purports to act;

22 (6) testify or provide information or withhold testimony or information
23 with respect to a person's legal claim or defense.

24 * **Sec. 8.** AS 11.61.116(c) is amended to read:

25 (c) Sending an explicit image of a minor is

26 (1) a class B misdemeanor if the person distributes the image to
27 another person;

28 (2) a class A misdemeanor if the person distributes the image to an
29 Internet website or application that is accessible to the public; in this paragraph,
30 "Internet website or application that is accessible to the public" includes social
31 media websites and applications that retain an image for later viewing that can

1 be accessed by a person who is not the direct recipient of the image.

2 * **Sec. 9.** AS 11.61.118(a) is amended to read:

3 (a) A person commits the crime of harassment in the first degree if, under
4 circumstances not proscribed under AS 11.41.410 - 11.41.440, with reckless
5 disregard for the offensive or insulting effect the physical contact may have on
6 the other person [AS 11.41.434 - 11.41.440], the person intentionally subjects
7 another person to [VIOLATES AS 11.61.120(a)(5) AND THE] offensive physical
8 contact [IS CONTACT]

9 (1) with human or animal blood, mucus, saliva, semen, urine, vomitus,
10 or feces; or

11 (2) by the person touching directly or through clothing another
12 person's [GENITALS,] buttocks, pelvis, or inner thigh [OR FEMALE BREAST].

13 * **Sec. 10.** AS 11.61.120(a) is amended to read:

14 (a) A person commits the crime of harassment in the second degree if the
15 person [, WITH INTENT TO HARASS OR ANNOY ANOTHER PERSON, THAT
16 PERSON]

17 (1) with intent to harass another person, insults, taunts, or
18 challenges another person in a manner likely to provoke an immediate violent
19 response;

20 (2) with intent to harass another person, telephones another and
21 fails to terminate the connection with intent to impair the ability of that person to place
22 or receive telephone calls;

23 (3) with intent to harass another person, makes repeated telephone
24 calls at extremely inconvenient hours;

25 (4) with intent to harass another person, makes an anonymous or
26 obscene telephone call, an obscene electronic communication, or a telephone call or
27 electronic communication that threatens physical injury or sexual contact;

28 (5) knowingly subjects another person to offensive physical contact;

29 (6) with intent to harass another person, and except as provided in
30 AS 11.61.116, 11.61.125, or 11.61.127, publishes or distributes electronic or printed
31 photographs, pictures, or films that show the genitals, anus, or female breast of the

1 other person or show that person engaged in a sexual act;

2 (7) **knowingly and** repeatedly sends or publishes an electronic
3 communication that insults, taunts, challenges, or intimidates a person under 18 years
4 of age in a manner that places the person in reasonable fear of physical injury; or

5 (8) under circumstances not proscribed under AS 11.41.455,
6 **AS 11.61.116, 11.61.125** [AS 11.61.125], or 11.61.128, **and with intent to harass**
7 **another person,** repeatedly sends to another person, publishes, or distributes
8 electronic or printed photographs, pictures, or films that show the genitals of any
9 person.

10 * **Sec. 11.** AS 12.63.010(b) is amended to read:

11 (b) A sex offender or child kidnapper required to register under (a) of this
12 section shall register with the Department of Corrections if the sex offender or child
13 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
14 police department located nearest to where the sex offender or child kidnapper resides
15 at the time of registration. To fulfill the registration requirement, the sex offender or
16 child kidnapper shall

17 (1) complete a registration form that includes **the following**
18 **information, if applicable:** [, AT A MINIMUM,]

19 (A) the sex offender's or child kidnapper's **full** name, **mailing**
20 **and physical addresses, school** address, **telephone numbers used by the sex**
21 **offender or child kidnapper, social security number, passport**
22 **information, citizenship status, physical address of employment, name of**
23 **employer, job title** [PLACE OF EMPLOYMENT], and date of birth;

24 (B) each conviction for a sex offense or child kidnapping for
25 which the duty to register has not terminated under AS 12.63.020, the date of
26 the sex offense or child kidnapping convictions, the place and court of the sex
27 offense or child kidnapping convictions, and whether the sex offender or child
28 kidnapper has been unconditionally discharged from the conviction for a sex
29 offense or child kidnapping and the date of the unconditional discharge; if the
30 sex offender or child kidnapper asserts that the offender or kidnapper has been
31 unconditionally discharged, the offender or kidnapper shall supply proof of

1 that discharge acceptable to the department;

2 (C) all aliases used;

3 (D) the sex offender's or child kidnapper's driver's license
4 number;

5 (E) the description, license numbers, and vehicle identification
6 numbers of motor vehicles, **including watercraft, aircraft, motorcycles, and**
7 **recreational vehicles**, the sex offender or child kidnapper has access to,
8 regardless of whether that access is regular or not;

9 (F) any identifying features of the sex offender or child
10 kidnapper;

11 (G) anticipated changes of address **and any temporary**
12 **lodging used by the sex offender or child kidnapper**;

13 (H) a statement concerning whether the **sex** offender or
14 kidnapper has had treatment for a mental abnormality or personality disorder
15 since the date of conviction for an offense requiring registration under this
16 chapter; [AND]

17 (I) each electronic mail address, instant messaging address, and
18 other Internet communication identifier used by the sex offender or child
19 kidnapper; **and**

20 **(J) professional licensing information;**

21 (2) allow the Alaska state troopers, Department of Corrections, [OR]
22 municipal police, **or any peace officer** to take a complete set of the sex offender's or
23 child kidnapper's fingerprints **and palm prints**, and to take the sex offender's or child
24 kidnapper's photograph.

25 * **Sec. 12.** AS 12.63.010(d) is amended to read:

26 (d) A sex offender or child kidnapper required to register

27 (1) for 15 years under (a) of this section and AS 12.63.020 shall,
28 annually, during the term of a duty to register under AS 12.63.020, on a date set by the
29 department at the time of the sex offender's or child kidnapper's initial registration,
30 provide written verification to the department, in the manner required by the
31 department, of the **information provided under (b)(1) of this section** [SEX

1 OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to
2 the information previously provided under (b)(1) of this section;

3 (2) for life under (a) of this section and AS 12.63.020 shall, not less
4 than quarterly, on a date set by the department, provide written verification to the
5 department, in the manner required by the department, of the **information provided**
6 **under (b)(1) of this section** [SEX OFFENDER'S OR CHILD KIDNAPPER'S
7 ADDRESS] and **notice of** any changes to the information previously provided under
8 (b)(1) of this section.

9 * **Sec. 13.** AS 12.63.010 is amended by adding new subsections to read:

10 (g) If a sex offender or child kidnapper plans to leave the state after having
11 registered under (a) of this section, the sex offender or child kidnapper shall provide
12 written notice to the department of the plan to leave the state at least seven calendar
13 days before leaving the state. If a sex offender or child kidnapper plans to leave the
14 state for international travel after having registered under (a) of this section, the sex
15 offender or child kidnapper shall provide written notice to the department of the plan
16 for any intended travel outside the United States at least 21 calendar days before
17 leaving the state for international travel.

18 (h) If a sex offender or child kidnapper is away from the physical address
19 provided to the department under (b)(1)(A) of this section for a period of seven days
20 or more, the sex offender or child kidnapper shall notify the department in writing of
21 the address being used by the sex offender or child kidnapper while away from the
22 residence provided under (b)(1)(A) of this section.

23 * **Sec. 14.** AS 12.63.020(a) is amended to read:

24 (a) The duty of a sex offender or child kidnapper to comply with the
25 requirements of AS 12.63.010 is as follows:

26 (1) for a sex offender or child kidnapper, as that term is defined in
27 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

28 (A) continues for the lifetime of a sex offender or child
29 kidnapper convicted of

30 (i) one aggravated sex offense; or

31 (ii) two or more sex offenses, two or more child

1 kidnappings, or one sex offense and one child kidnapping; for purposes
 2 of this section, a person convicted of indecent exposure before a person
 3 under 16 years of age under AS 11.41.460 more than two times has
 4 been convicted of two or more sex offenses;

5 (B) ends 15 years following the sex offender's or child
 6 kidnapper's unconditional discharge from a conviction for a single sex offense
 7 that is not an aggravated sex offense or for a single child kidnapping if the sex
 8 offender or child kidnapper has supplied proof that is acceptable to the
 9 department of the unconditional discharge; the registration period under this
 10 subparagraph

11 (i) is tolled for the period of noncompliance if the
 12 [EACH YEAR THAT A] sex offender or child kidnapper has failed
 13 [FAILS] to comply with the requirements of this chapter or is
 14 incarcerated for the offense or kidnapping for which the offender or
 15 kidnapper is required to register or for any other offense;

16 (ii) may include the time a sex offender or child
 17 kidnapper was absent from this state if the sex offender or child
 18 kidnapper has complied with any sex offender or child kidnapper
 19 registration requirements of the jurisdiction in which the sex offender
 20 or kidnapper was located and if the sex offender or child kidnapper
 21 provides the department with proof of the compliance while the sex
 22 offender or child kidnapper was absent from this state; and

23 (iii) continues for a sex offender or child kidnapper who
 24 has not supplied proof acceptable to the department of the offender's or
 25 kidnapper's unconditional discharge for the sex offense or child
 26 kidnapping requiring registration;

27 (2) for a sex offender or child kidnapper, as that term is defined in
 28 AS 12.63.100(6)(B), the duty continues for the period determined by the department
 29 under (b) of this section.

30 * **Sec. 15.** AS 12.63.100(7) is amended to read:

31 (7) "sex offense" means

1 (A) a crime under AS 11.41.100(a)(3), or a similar law of
 2 another jurisdiction, in which the person committed or attempted to commit a
 3 sexual offense, or a similar offense under the laws of the other jurisdiction; in
 4 this subparagraph, "sexual offense" has the meaning given in
 5 AS 11.41.100(a)(3);

6 (B) a crime under AS 11.41.110(a)(3), or a similar law of
 7 another jurisdiction, in which the person committed or attempted to commit
 8 one of the following crimes, or a similar law of another jurisdiction:

- 9 (i) sexual assault in the first degree;
- 10 (ii) sexual assault in the second degree;
- 11 (iii) sexual abuse of a minor in the first degree; or
- 12 (iv) sexual abuse of a minor in the second degree;

13 (C) a crime, or an attempt, solicitation, or conspiracy to commit
 14 a crime, under the following statutes or a similar law of another jurisdiction:

- 15 (i) AS 11.41.410 - 11.41.438;
- 16 (ii) AS 11.41.440(a)(2);
- 17 (iii) AS 11.41.450 - 11.41.458;
- 18 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
 19 exposure is before a person under 16 years of age and the offender has
 20 previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- 21 (v) AS 11.61.125 - 11.61.128;
- 22 (vi) AS 11.66.110, 11.66.130(a)(2)(B), or
 23 AS 26.05.900(b) if the person who was induced or caused to engage in
 24 prostitution was under 20 years of age at the time of the offense;
- 25 (vii) former AS 11.15.120, former 11.15.134, or assault
 26 with the intent to commit rape under former AS 11.15.160, former
 27 AS 11.40.110, or former 11.40.200;
- 28 (viii) AS 11.61.118(a)(2) if the offender has a previous
 29 conviction for that offense;
- 30 (ix) AS 11.66.100(a)(2) if the offender is subject to
 31 punishment under AS 11.66.100(e);

(x) AS 26.05.890 if the person engaged in sexual penetration or sexual contact with the victim;

(xi) AS 26.05.890 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim;

(xii) AS 26.05.893 if the person engaged in sexual penetration or sexual contact with the victim;

(xiii) AS 26.05.900(a)(1) - (4) if the victim is under 18 years of age at the time of the offense;

(xiv) AS 26.05.900 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim; or

(xv) AS 11.61.123 if the offender is subject to punishment under AS 11.61.123(g)(1) or (2);

(xvi) AS 11.61.116 if the offender is subject to punishment under AS 11.61.116(c)(2) and the offense is a second conviction or the offense is a first conviction and the image includes personal identifying information sufficient to, upon an Internet search of the victim's name, result in the victim's image being displayed;

(xvii) AS 11.61.130(a)(2); or

(xviii) AS 11.61.140(a)(6) or (7) [AS 11.61.123(f)(1) OR (2)];

(D) an offense, or an attempt, solicitation, or conspiracy to commit an offense, under AS 26.05.935(b), or a similar law of another jurisdiction, if the member of the militia commits one of the following enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform Code of Military Justice):

(i) child pornography; or

(ii) pandering and prostitution if the person who is induced, enticed, caused, or procured to engage in a sexual act is under 20 years of age at the time of the offense; or

(E) an offense in which the person is required to register as a sex offender under the laws of another jurisdiction;

* **Sec. 16.** AS 14.20.030(b) is amended to read:

(b) The commissioner or the Professional Teaching Practices Commission shall revoke for life the certificate of a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, involving a minor under AS 11.41.410 - 11.41.460, AS 11.61.125 or 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection.

* **Sec. 17.** AS 18.66.990(3) is amended to read:

(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

(A) a crime against the person under AS 11.41;

(B) burglary under AS 11.46.300 - 11.46.310;

(C) criminal trespass under AS 11.46.320 - 11.46.330;

(D) arson or criminally negligent burning under AS 11.46.400 -

11.46.430;

(E) criminal mischief under AS 11.46.475 - 11.46.486;

(F) terrorist threatening under AS 11.56.807 or 11.56.810;

(G) violating a protective order under AS 11.56.740(a)(1);

(H) harassment under AS 11.61.118, 11.61.120(a)(2) - (4);

[AS 11.61.120(a)(2) - (4); OR]

(I) cruelty to animals under AS 11.61.140(a)(5) if the animal is

a pet;

(J) interfering with a report of a crime involving domestic violence under AS 11.56.745; or

(K) unlawful contact under AS 11.56.750 or 11.56.755;

1 * **Sec. 18.** AS 33.05.070 is amended by adding a new subsection to read:

2 (e) At any time within the probation period, the probation officer may file a
3 complaint with the court and arrest a probationer, with or without a warrant, if the
4 officer has probable cause to believe the probationer has committed an offense under
5 AS 11.56.759.

6 * **Sec. 19.** AS 33.07.030(g) is amended to read:

7 (g) A pretrial services officer may

8 (1) recommend pretrial diversion to the court and parties before
9 adjudication in accordance with the guidelines established by the commissioner under
10 AS 33.07.020(6);

11 (2) if the officer has probable cause to believe the defendant has
12 committed an offense under AS 11.56.320, 11.56.610, 11.56.730, 11.56.750, or
13 11.56.757 [AS 11.56.730 OR 11.56.757] or has violated the defendant's release
14 conditions, file a complaint with the court and

15 (A) arrest, with or without a warrant, a defendant who has been
16 released while awaiting trial; or

17 (B) request the court to issue warrants related to any violation
18 of the defendant's release conditions;

19 (3) refer interested defendants for substance abuse screening,
20 assessment, and treatment on a voluntary basis and assist any defendant whose offense
21 or criminal history identified a dependency on, abuse of, or addiction to alcohol or
22 controlled substances with accessing and obtaining appropriate treatment in the
23 community to address those needs;

24 (4) recommend that a defendant charged with an offense involving the
25 use of alcohol or controlled substances comply with a program established under
26 AS 47.38.020; and

27 (5) coordinate with community-based organizations and tribal courts
28 and councils to develop and expand pretrial diversion options.

29 * **Sec. 20.** AS 47.14.300(a) is amended to read:

30 (a) The department, a state or municipal agency with expertise in child abuse
31 or neglect, or a tribe recognized by the United States Secretary of the Interior to exist

as an Indian tribe under **25 U.S.C. 5130** [25 U.S.C. 479A] (Federally Recognized Indian Tribe List Act of 1994) with expertise in child abuse or neglect, in partnership with the department, may facilitate the initial establishment of a multidisciplinary child protection team. The purpose of a team is to assist in the evaluation and investigation of reports of child abuse or neglect, as defined in AS 47.17.290, made under AS 47.17 or initiated by the department or a law enforcement agency; **to assist in the evaluation and investigation of reports of sexual contact or sexual penetration, as defined in AS 11.81.900(b), occurring between children under 13 years of age;** and to provide consultation and coordination for agencies involved in child-in-need-of-aid cases under AS 47.10. The multidisciplinary child protection teams shall

(1) ensure that investigations involving child abuse or neglect are coordinated and conducted by trained investigators;

(2) take and recommend steps to avoid duplicative interviews of children;

(3) assist in the reduction of trauma to a child and family involved in an investigation of child abuse or neglect; and

(4) review records, provide consultation, and make recommendations to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to the team by a team member.

* **Sec. 21.** The uncoded law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA 2019, is amended to read:

(c) The following sections apply to the duty to register as a sex offender for offenses committed **before, on,** or after the effective date of those sections:

(1) AS 12.63.010(d), as amended by sec. 82 of this Act;

(2) AS 12.63.020, as amended by sec. 83 of this Act;

(3) AS 12.63.100(6), as amended by sec. 84 of this Act;

(4) AS 12.63.100(7), as amended by sec. 85 of this Act.

* **Sec. 22.** AS 12.63.100(7)(C)(viii) is repealed.

* **Sec. 23.** The uncoded law of the State of Alaska is amended by adding a new section to read:

1 APPLICABILITY. (a) AS 11.41.410(a), as amended by sec. 1 of this Act,
 2 AS 11.41.420(a), as amended by sec. 2 of this Act, AS 11.41.425(a), as amended by sec. 3 of
 3 this Act, AS 11.41.445(c), enacted by sec. 4 of this Act, AS 11.41.470(10), as repealed and
 4 reenacted by sec. 5 of this Act, AS 11.41.470(11), enacted by sec. 6 of this Act,
 5 AS 11.41.530(a), as amended by sec. 7 of this Act, AS 11.61.116(c), as amended by sec. 8 of
 6 this Act, AS 11.61.118, as amended by sec. 9 of this Act, AS 11.61.120, as amended by sec.
 7 10 of this Act, AS 18.66.990(3), as amended by sec. 17 of this Act, AS 33.05.070(e), enacted
 8 by sec. 18 of this Act, AS 33.07.030(g), as amended by sec. 19 of this Act, and the repeal of
 9 AS 12.63.100(7)(C)(viii) by sec. 22 of this Act apply to offenses committed on or after the
 10 effective date of this Act.

11 (b) Except as otherwise provided in this Act, AS 12.63.010(b), as amended by sec. 11
 12 of this Act, AS 12.63.010(d), as amended by sec. 12 of this Act, and AS 12.63.010(g) and (h),
 13 enacted by sec. 13 of this Act, apply to the duty to register as a sex offender or child
 14 kidnapper for offenses committed before, on, or after the effective date of this Act.

15 (c) AS 12.63.020(a), as amended by sec. 14 of this Act, applies to the tolling of the
 16 duty to register as a sex offender or child kidnapper on or after the effective date of this Act
 17 for determinations of noncompliance made by the Department of Public Safety on or after the
 18 effective date of this Act.

19 (d) Nothing in AS 12.63.020(a), as amended by sec. 14 of this Act, may be construed
 20 as invalidating a decision by the Department of Public Safety to toll the period of registration
 21 or continue the period of registration under AS 12.63 before the effective date of this Act.

22 (e) AS 12.63.100(7), as amended by sec. 15 of this Act, applies to the duty to register
 23 as a sex offender for offenses committed on or after the effective date of this Act.

24 (f) AS 14.20.030(b), as amended by sec. 16 of this Act, applies to convictions
 25 occurring before, on, or after the effective date of this Act for conduct occurring before, on, or
 26 after the effective date of this Act.

27 * **Sec. 24.** This Act takes effect July 1, 2022.